

2003 DRAFTING REQUEST**Bill**Received: **03/14/2003**Received By: **jkuesel**Wanted: **Soon**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**By/Representing: **Cory Dolezalek**This file may be shown to any legislator: **NO**Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Stone@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Investigation of improper registrations

Instructions:

Per AA 11 to 2001 SB-110.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 03/21/2003	kgilfoy 03/25/2003					Local
/1			chaskett 03/26/2003		sbasford 03/26/2003	mbarman 04/28/2003	

04/28/2003 08:20:52 AM

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FE Sent For:

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Intro.

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12/1	jkuesel 3/21	1/1 - 3/25 Kmg	11-3/26 CP	rs/cp 3/26			

FE Sent For:

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2003 BILL

In 3/21

1 AN ACT *to repeal* 6.15 (3) (a) (title), 6.15 (3) (b) (title) and 6.56 (5); *to renumber*
2 *and amend* 6.15 (3) (a) 1., 2. and 3. and 6.15 (3) (b); *to amend* 5.40 (6), 6.15
3 (2) (title) 6.15 (2) (a) (Intro.), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2.,
4 6.55 (2) (d), 6.55 (3), 6.55 (7) (c) 1., 6.55 (7) (c) 2., 6.56 (2) to (4), 6.79 (1), 6.79 (2),
5 6.79 (3), 6.79 (4), 6.79 (6) (a), 6.79 (6) (b), 6.82 (1) (a), 6.86 (1) (ar), 6.86 (3) (a),
6 10.02 (3) (a), 343.50 (5) and 343.50 (6); *to repeal and recreate* 6.79 (6) (title);
7 and *to create* 6.15 (2) (bm), 6.15 (2) (d) 1g. and 6.15 (2) (e) of the statutes;
8 *relating to:* ~~requiring identification in order to vote at a polling place or obtain~~
9 ~~an absentee ballot,~~ verification of voters whose names do not appear on
10 registration lists ~~and the fee for an identification card issued by the~~
11 ~~Department of Transportation.~~

Analysis by the Legislative Reference Bureau

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector claims to be

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registered but his or her name does not appear on the appropriate registration list, the elector must complete a certification of eligibility and present acceptable proof of residence in order to vote. In addition, an elector may be required to provide acceptable proof of residence even if registration is not required. If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's information.

With certain limited exceptions, this bill requires each elector attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the Department of Transportation (DOT) to the elector that contains the elector's photograph or present a valid Wisconsin identification card issued by DOT to the elector. Every Wisconsin identification card issued by DOT contains a photograph of the identification card holder. Under the bill, this identification requirement also applies to any elector who applies for an absentee ballot in person at the office of the municipal clerk. The bill also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged. In addition, the bill deletes the authority for an elector to utilize corroboration in order to register to vote or to vote on election day.

Current law requires the officials at each polling place where voter registration is required to maintain a list of persons who register to vote at the polling place on election day and certain persons, ~~who~~ vote after certifying that they are properly registered. After each election, these lists must be given to the municipal clerk or board of election commissioners, who must then audit the lists to ensure that each voter is properly registered. This audit generally consists of mailing a postcard to the address given by the voter. Current law also requires the clerk or board of election commissioners, after each election, to carefully check to ensure that no person has been allowed to vote more than once. If a postcard mailed by the clerk or board of election commissioners is returned undelivered or the clerk or board of election commissioners is informed that the address given by the voter was apparently incorrect on election day, or if it appears that a person voted more than once, the clerk or board of election commissioners must provide the name of the voter to the district attorney. If the person voted after having his or her registration information corroborated by another elector, the name of the corroborator must also be provided to the district attorney.

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Under this bill, the clerk or board of election commissioners must perform the required audit within one month after each election ~~and must notify both the district attorney and an appropriate municipal or county law enforcement agency.~~ If a postcard is returned undelivered, if the clerk or board of election commissioners is informed that the address given by a voter was apparently incorrect on election day, or if it appears that a person voted more than once, The bill requires the law enforcement agency to investigate the matter within two weeks and report the results of the investigation to the district attorney. The district attorney must then file a report with the clerk or board of election commissioners within two weeks,

the clerk or board must
notify both the district attorney
and the appropriate municipal or
county law enforcement agency, and
must provide the name of the person who voted and
the name of any corroborator

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indicating the results of the investigation and any action the district attorney intends to prosecute as a result of the investigation.

For further information see the ~~state and local~~ fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.40 (6) of the statutes is amended to read:

5.40 (6) A municipality which utilizes voting machines or an electronic voting system at a polling place may permit use of the machines or system by electors voting under s. 6.15 only as authorized under s. 6.15 (3) (b).

SECTION 2. 6.15 (2) (title) of the statutes is amended to read:

6.15 (2) (title) APPLICATION FOR BALLOT PROCEDURE AT CLERK'S OFFICE.

SECTION 3. 6.15 (2) (a) (intro.) of the statutes is amended to read:

6.15 (2) (a) (intro.) The elector's request for the application form may be made to the proper municipal clerk either in person or in writing ~~any time during the 10-day period in which the elector's residence requirement is incomplete, but not later than the applicable deadline for making application for an absentee ballot.~~ Except as provided in par. (e), application may be made not sooner than 9 days nor later than 5 p.m. on the day before the election, or may be made at the proper polling place ~~in~~ for the ward or election district in which the elector resides. The application form shall be returned to the municipal clerk after the affidavit has been signed in the presence of the clerk or any officer authorized by law to administer oaths. The affidavit shall be in substantially the following form:

SECTION 4. 6.15 (2) (bm) of the statutes is created to read:

6.15 (2) (bm) When making application in person at the office of the municipal clerk, each applicant shall ~~present a valid operator's license issued to the person~~

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ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide present a valid operator's license issued to the person under ch. 343 that contains a photograph of the license holder or present a valid identification card issued to the person under s. 343.50. If any identification presented by the person is not acceptable proof of residence as provided under sub. (7), the person shall also present acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If acceptable proof is presented, the elector need not have the information corroborated by any other elector. If acceptable proof is not presented, the statement shall be certified by the elector and shall be corroborated by another elector who resides in the municipality. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question of identity or residence cannot be satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

SECTION 17. 6.55 (7) (c) 1. of the statutes is amended to read:

6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch. 343.

SECTION 18. 6.55 (7) (c) 2. of the statutes is amended to read:

6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under s. 125.08, 1987 stats. 343.50.

✓ SECTION 19. 6.56 (2) to (4) of the statutes are amended to read:

6.56 (2) Upon receipt of the list, the municipal clerk or board of election commissioners shall make a check to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the clerk or board of

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1 election commissioners shall correct the registration list. If the address on the
2 registration list is not correct, the clerk or board of election commissioners shall
3 correct the address. The clerk or board of election commissioners shall then notify
4 the elector by postcard when he or she is properly registered. If such person is found
5 not to be properly registered, the clerk or board of election commissioners shall send
6 the person a 1st class letter with that information, containing a mail registration
7 form under s. 6.30 (4). The letter shall be marked "ADDRESS CORRECTION REQUESTED".
8 If No later than one month after the election, the clerk or board of election
9 commissioners shall notify the district attorney and the appropriate municipal police
10 department or, if there is no appropriate municipal police department, the
11 appropriate county sheriff of each such letter that is returned undelivered, or if the
12 U.S. postal service notifies the clerk of an improper address which and of each
13 notification of improper address that the clerk or board of election commissioner
14 receives from the U.S. postal service, if the address was apparently improper on the
15 day of the election, the clerk shall notify the district attorney. If a letter is returned
16 undelivered or a notification of an improper address under this subsection is received
17 later than one month after the election, the clerk or board of election commissioners
18 shall promptly notify the district attorney and appropriate municipal police
19 department or county sheriff under this subsection. No later than 2 weeks after
20 receiving information under this subsection, the municipal police department or
21 county sheriff shall investigate the matter and report the results of the investigation
22 to the district attorney. No later than 2 weeks after receiving this report, the district
23 attorney shall file a report with the appropriate municipal clerk or board of election
24 commissioners indicating the results of each investigation and any action that the
25 district attorney intends to prosecute as a result of each investigation.

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(3) Upon receipt of the list under sub. (1), the municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) and all electors registering by agent on election day under s. 6.86 (3) (a) 2. The audit shall be made by 1st class postcard. The postcard shall be labeled "ADDRESS CORRECTION REQUESTED" or "DO NOT FORWARD—RETURN POSTAGE GUARANTEED". If any No later than one month after the election, the clerk or board of election commissioners shall notify the district attorney and the appropriate municipal police department or, if there is no appropriate municipal police department, the appropriate county sheriff of each postcard that is returned undelivered, or if and of each notification that the clerk or board of election commissioners is informed of receives indicating a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk or board and shall remove the elector's name from the registration list, mail the elector a notice of the removal and provide the name to the district attorney for the county where the polling place is located. If a postcard is returned undelivered or a notification of a different address under this subsection is received later than one month after the election, the clerk or board of election commissioners shall promptly notify the district attorney and appropriate municipal police department or county sheriff under this subsection. No later than 2 weeks after receiving information under this subsection, the municipal police department or county sheriff shall investigate the matter and report the results of the investigation to the district attorney. No later than 2 weeks after receiving this report, the district attorney shall file a report with the appropriate municipal clerk or board of election commissioners indicating the results of each investigation and

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1 any action that the district attorney intends to prosecute as a result of each
2 investigation.

3 (4) After No later than one month after each election, the municipal clerk or
4 board of election commissioners shall carefully check to assure that no person has
5 been allowed to vote more than once. Whenever the municipal clerk or board of
6 election commissioners has good reason to believe that a person has voted more than
7 once in an election, the clerk or board of election commissioners shall send the person
8 a 1st class letter with return receipt and address correction requested, informing him
9 or her that all registrations relating to that person may be canceled within 7 days
10 unless the person contacts the office of the clerk to clarify the matter. A copy of such
11 letter and any subsequent information received from or about the addressee shall be
12 sent to the district attorney and the appropriate municipal police department or, if
13 there is no appropriate municipal police department, the appropriate county sheriff.
14 No later than 2 weeks after receiving information under this subsection, the
15 municipal police department or county sheriff shall investigate the matter and
16 report the results of the investigation to the district attorney. No later than 2 weeks
17 after receiving this report, the district attorney shall file a report with the
18 appropriate municipal clerk or board of election commissioners indicating the
19 results of each investigation and any action that the district attorney intends to
20 prosecute as a result of each investigation.

21 ~~SECTION 20. 6.56 (5) of the statutes is repealed.~~

22 ~~SECTION 21. 6.79 (1) of the statutes is amended to read:~~

23 ~~6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as provided in sub. (6)~~

24 ~~(a), where there is no registration, before being permitted to vote, each person elector~~
25 ~~shall state his or her full name and address and present to the officials a valid~~

✓
Section #. 6.56 (5) of the statutes is amended to read:

6.56 (5) Whenever any letter or postcard mailed under this section is returned undelivered, or whenever the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election or whenever it otherwise appears that a person has voted who is not qualified or has voted more than once in an election, and the person has been permitted to vote after corroboration was made under s. 6.55 (2) or (3) or 6.86 (3) (a) 2., the name of the corroborator shall also be provided to the district attorney.

~~History: 1975 c. 85, 199, 1977 c. 394; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1989 a. 192; 2001 a. 51.~~

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(End)

1 or her that all registrations relating to that person may be canceled within 7 days
2 unless the person contacts the office of the clerk to clarify the matter. A copy of such
3 letter and any subsequent information received from or about the addressee shall be
4 sent to the district attorney and the appropriate municipal police department or, if
5 there is no appropriate municipal police department, the appropriate county sheriff.
6 No later than 2 weeks after receiving information under this subsection, the
7 municipal police department or county sheriff shall investigate the matter and
8 report the results of the investigation to the district attorney. No later than 2 weeks
9 after receiving this report, the district attorney shall file a report with the
10 appropriate municipal clerk or board of election commissioners indicating the
11 results of each investigation and any action the district attorney intends to prosecute
12 as a result of each investigation.

13 (5) Whenever any letter or postcard mailed under this section is returned
14 undelivered, or whenever the U.S. postal service notifies the clerk or board of election
15 commissioners ~~of an~~ improper address which was apparently improper on the day
16 of the election or whenever it otherwise appears that a person has voted who is not
17 qualified or has voted more than once in an election, and the person has been
18 permitted to vote after corroboration was made under s. 6.55 (2) or (3), the name of
19 the corroborator shall also be provided to the district attorney and the appropriate
20 municipal police department or, if there is no appropriate municipal police
21 department, the appropriate county sheriff. No later than 2 weeks after receiving
22 information under this subsection, the municipal police department or county sheriff
23 shall investigate the matter and report the results of the investigation to the district
24 attorney. No later than 2 weeks after receiving this report, the district attorney shall
25 file a report with the appropriate municipal clerk or board of election commissioners

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1 indicating the results of each investigation and any action the district attorney
2 intends to prosecute as a result of each investigation.

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(END)

Emery, Lynn

From: Dolezalek, Corey
Sent: Friday, April 25, 2003 1:00 PM
To: LRB.Legal
Subject: Draft review: LRB 03-2316/1 Topic: Investigation of improper registrations

It has been requested by <Dolezalek, Corey> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2316/1 Topic: Investigation of improper registrations